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RECEIVED

SEP 12 1991

3809/UT055  
UT-055-91-24N

DIVISION OF  
OIL GAS & MINING

September 9, 1991

Steve Hodges  
PO Box 874  
Beaver UT, 84713

Dear Mr. Hodges:

Your notice to conduct mining related operations on your claims, Ebony and Ivory #1, and Amazon #6, BLM serial numbers, 337569 and 337578 in T. 23 S., R. 13 W., Section 15, was received on August 22, 1991 and has been accepted by this office. Your notice has been assigned case file number UT-055-91-24N. Please use this number in any future correspondence concerning this notice.

If you change your operation from what is described in your notice, please contact this office prior to the change. If your operations extend for more than one year, please advise this office of the status of your mining related activity on the anniversary date of your notice.

Enclosed is a copy of the Standard Operating Procedures required by the Richfield District, Warm Springs Resource Area. Please follow these guidelines as they pertain to your operations.

A copy of your notice has been sent to the Utah Division of Oil, Gas and Mining (DOGM); therefore, you will not have to file this notice with DOGM. However, reclamation under this notice is required to conform to the standards of the Utah Mined Land Reclamation Act. Also, all mining claimants and operators that plan to use, store, or divert water are required by Utah statute to notify the Utah Department of Water Resources at:

1636 West North Temple  
Salt Lake City, Utah 84108

As required by 43 CFR 3809, Surface Management Regulations, reasonable measures must be taken to prevent unnecessary or undue degradation of public lands during your operations. Please notify this office upon completion of operations and reclamation, so an inspection may be conducted on the site.

We are of the preliminary opinion that the deposit which you have claimed is common variety and as such is not open to location. The proper procedure for mining and disposal of this material is through mineral material sales wherein you would relinquish your claims and sign a contract with the Bureau of Land Management for

the sale of units of material at a specified price. We will gladly provide you with information regarding mineral material sales.

If you are convinced that your deposit is locatable, please be aware the Court has set standards to distinguish between common varieties and uncommon varieties of mineral deposits or stone. The standards are:

1. There must be a comparison of the mineral deposit in question with other deposits of such minerals generally;
2. The mineral deposit in question must have a unique property;
3. The unique property must give the deposit a distinct and special value;
4. If the special value is for uses to which ordinary varieties of the mineral are put, the deposit must have some distinct and special value for such use; and
5. The distinct and special value must be reflected in the market place (or in reduced cost or overhead so that the profit to the claimant would be substantially more).

Should a final determination by the Department of Interior be made that this material is, in fact, "common variety", you could be responsible to the United States for the value of this material, damage to the land, and the administrative costs of recovering such compensation.

Acceptance of your notice will not now, nor in the future, serve as a determination of the validity nor ownership of any mining claim included under your notice.

Thank you for submitting your notice. If you have any questions regarding this letter, please feel free to contact Rody Cox at (801) 743-6811.

Sincerely,

SIGNED

Dave Henderson  
Area Manager

Enclosures:  
as stated above

cc: D. Wayne Hedberg, UDOGM  
Jerry Reagan, Millard County Planning and Zoning

RCox:mfr